

LOCAL EXECUTIVE

A. National.

1. ***Proposal on the Distribution of Quotas for Minority Representatives on the Sixth National People's Congress*** (approved on March 5, 1983 by the 26th Session of the Standing Committee of the Fifth National People's Congress).

(a) The Proposal notes that there are 55 minorities in China, with a total population of approximately 67.23 million, and constituting 6.7% of China's total population. Minority representatives should account for 12% of the total number of representatives of the National People's Congress (*i.e.*, approximately 360 people). The Proposal makes certain adjustments so that each minority will have at least one representative regardless of its population.

(b) The draft proposal called for 319 minority representatives, with 26 candidates to be nominated by the central authorities, for a total of 345 representatives, *i.e.*, 11.5% of the National People's Congress. The actual results of the elections are greater than this percentage.

(c) The schedule attached to the Proposal provides that with respect to Tibetan representatives, there is to be a total of 26 persons, with six representatives from Sichuan Province, two representatives from Yunnan Province, 12 representatives from the Tibet Autonomous Region, two representatives from Gansu Province and four representatives from Qinghai Province.

2. ***Proposal on the Distribution of Quotas for Minority Representatives on the Seventh National People's Congress*** (adopted on September 5, 1987 by the 22nd Session of the Standing Committee of the Sixth National People's Congress).

The 1987 Proposal restates the 1983 Proposal described in item 1 above, with the same number of Tibetan representatives (and the same province of origin) as described therein.

3. ***Proposal on the Distribution of Quotas for Minority Representatives on the Eighth National People's Congress*** (approved on September 4, 1992 by the 27th Session of the Standing Committee of the Seventh National People's Congress).

This 1992 Proposal continues to implement the provisions that the number of minority representatives on the National People's Congress shall constitute approximately 12% of the total number of representatives. The draft proposal called for 320 minority representatives with 26 candidates to be nominated by the central authorities, and 10 minority representatives to be allocated to the People's Liberation Army, for a total of 356 representatives. The annex attached to the Proposal with the

allocation of 26 persons to the Tibetan minority (and their province of origin) is as described in item 1 above.

4. ***Proposal Regarding the Allocation of Quotas for the Minority Representatives of the Ninth National People's Congress*** (adopted on May 9, 1997 by the 25th Session of the Standing Committee of the Eighth National People's Congress).

3. This Proposal is substantially similar to the one described in item

5. ***Proposal Regarding the Allocation of Quotas for the Minority Representatives of the Tenth National People's Congress*** (adopted on April 28, 2002 by the 27th Session of the Standing Committee of the Ninth National People's Congress).

3. This Proposal is substantially similar to the one described in item

6. ***Opinion of the Organization Department of the Central Committee of the Communist Party of China ("CPC"), the United Front Work Department of the Central Committee of the CPC and the State Ethnic Affairs Commission on Doing Better Work of Further Training and Selecting Minority Cadres*** (effective December 30, 1993, Zhongzufa [1993] No. 9).

(a) This Opinion notes that since 1949, and particularly following the Third Plenary Session of the 11th Communist Party Congress, all levels of Party and governments have seriously implemented the policy of training and using minority cadres. A large number of minority cadres has already come through the ranks and this has been a major contribution to the safeguarding of the unity of the Motherland and the unity of all ethnic groups and has promoted the social and economic development of minority areas.

(b) The Opinion contains provisions regarding:

(i) clarifying the guidelines and major tasks on the training and selection of minority officials;

(ii) strengthening the training and education of minority cadres and further improving their political and professional quality;

(iii) strengthening the team of minority cadres at the basic levels;

(iv) strengthening the team of minority specialists and technical cadres;

(v) carefully selecting the minority cadres who are to be leaders; and

(vi) including the training and selection of minority cadres on the agendas of the departments in each area.

B. Tibet Autonomous Region.

1. ***Implementing Measures of the TAR for the Law of the People's Republic of China on the Organization of Urban Residents Committees*** (adopted on December 26, 1993 by the Seventh Session of the Standing Committee of the Sixth TAR People's Congress).

(a) These Measures implement the Law of the People's Republic of China on the Organization of Urban Residents Committees, and in all material respects follow the provisions of the national law, which became effective on January 1, 1990. Residents committees are the basic autonomy organizations of the masses. The Measures describe the responsibilities of residents committees. They can establish subcommittees such as people's mediation committees, social security committees, public safety and security committees and public health committees. The Measures also describe the powers of meetings of the committees.

(b) The Measures provide for the composition of residents committees. In areas where there are many ethnic groups, the committees should include a small number of members of different ethnic groups. Members are elected by the residents in the area on the basis of a majority vote. Any resident who is 18 years of age or more, regardless of his or her ethnic status, ethnic group, sex, occupation, family background, religious beliefs, level of education or financial circumstances, has the right to vote and to be candidates for election (but excluding any persons whose political rights have been forfeited). Candidates must safeguard the unity of the Motherland and the unity of ethnic groups, comply with the law, act in good faith, warmly serve the people and have a certain ability to work.

2. ***Detailed Rules for the Implementation of Elections of Representatives of People's Congresses at All Levels Within the Tibet Autonomous Region*** (adopted on April 18, 1981 by the Fifth Session of the Standing Committee of the Third TAR People's Congress; first amended on January 18, 1984 by the Fourth Session of the Standing Committee of the Fourth TAR People's Congress; second amended on July 29, 1987 by the 23rd Session of the Standing Committee of the Fourth TAR People's Congress, taking into account the actual circumstances of the TAR and in accordance with the Decision of the 18th Session of the Standing Committee of the Sixth National People's Congress on December 2, 1986 on the Amendment to the Law of the People's Republic of China on the Election of the National People's Congress and the People's Congress at All Levels in the Localities; and third amended on September 28, 1995 by the 16th Session of the Standing Committee of the Sixth TAR People's Congress in accordance with the Decision of the 12th Session of the Standing Committee of the Eighth National People's Congress on February 28, 1995 on the Amendment to the Law of the People's Republic of China on the Election of the National People's Congress and the People's Congresses at All Levels in the Localities).

(a) These Implementing Rules set forth the procedures for the election of the representatives of the TAR on the National People's Congress and people's congresses at local levels.

(b) All Chinese citizens living in the TAR who are at least 18 years of age have the right to elect representatives and to be elected, regardless of their ethnic status, ethnic group, sex, occupation, family background, religious beliefs, level of education, financial circumstances or period of residence. Chinese citizens from the TAR who live abroad temporarily retain the right to vote and to be elected. If they are in China during an election period for representatives to the people's congresses below the county level, they may participate in the voting at their original place of residence or the last place of their residence prior to leaving China.

(c) The representatives of the people's congresses at all levels shall include an appropriate number of Han and other minority representatives, as well as an appropriate number of women representatives, and the ratio of women representatives shall be gradually increased. There shall be representatives from different [aspects], including intellectuals, patriots, religious persons, Tibetan compatriots who have returned to China and so forth.

(d) The Implementing Rules describe the persons who may not vote or be elected (*e.g.*, persons who have been convicted of a serious crime and have been incarcerated and persons whose political rights have been forfeited in accordance with law).

(e) The Implementing Rules set forth the procedures on the establishment of election committees, their responsibilities, the number of representatives for the people's congresses at various levels, the responsibilities of representatives, the creation of electoral districts, voter registration, etc.

(f) All documents used in elections shall be in both Tibetan and Chinese, or the language commonly used by the people in the area.

(g) It is an offense, among other things, to incite ethnic relations, destroy the unity of peoples, or instigate the separation of peoples.

3. ***Working Regulations of the Tibet Autonomous Region on the People's Congresses at the Village and Township Level*** (adopted on October 23, 1992 by the 22nd Session of the Standing Committee of the Fifth TAR People's Congress and amended on September 28, 1995 by the 16th Session of the Standing Committee of the Sixth TAR People's Congress).

(a) These Regulations have been formulated in accordance with the Law of the People's Republic of China on the Organization of the People's Congress and People's Governments at All Levels in the Localities.

(b) The national law sets up a framework for the establishment of local people's congresses, their responsibilities, the formation of standing committees, the conduct of meetings and the conduct of elections, as well as the role of local governments and their organizational structure. The Working Regulations implement the national law for the congresses and governments at the village and township level.

4. ***Implementing Measures of the Tibet Autonomous Region for Law of the People's Republic of China on Representatives to the National People's Congress and to the Local People's Congresses at Various Levels*** (effective April 2, 1999; adopted on April 1, 1999 by the Sixth Session of the Standing Committee of the Seventh TAR People's Congress).

The national law describes the responsibilities of representatives while the people's congress is in session or not in session, and includes provisions to guarantee that a representative is able to perform his or her duties. These Implementing Measures essentially implement the national law.

5. ***Procedural Rules for the People's Congress of the Tibet Autonomous Region*** (adopted on August 7, 1989 by the Second Session of the Fifth TAR People's Congress and amended on January 20, 2002 by the 24th Session of the Standing Committee of the Seventh TAR People's Congress).

(a) These Rules contain detailed rules on meetings of the people's congress, attendance by representatives, the preparatory work to be completed before meetings, quorum requirements, responsibilities of the chairman's group of the people's congress, the procedures for submitting and adopting resolutions and the election and removal of the top officials of the standing committee and people's government.

(b) Meetings of the TAR People's Congress shall be conducted in both Chinese and Tibetan.

6. ***Measures of the Tibet Autonomous Region on Elections to Fill Vacancies of Representatives to the People's Congresses At All Levels*** (adopted on November 25, 1999 by the 10th Session of the Standing Committee of the TAR Seventh People's Congress).

These Measures have been formulated to prescribe the procedures for filling vacancies in the people's congresses on a timely basis. If a representative is unable to complete his or her term, the original voting area or voting unit shall elect a replacement. The Measures describe the process at various levels of the people's congresses, the procedures for nominating candidates, and the review and updating of voter lists. Elections shall be by secret ballot or by a show of hands, and representatives are appointed by majority vote.

7. ***Measures of the Tibet Autonomous Region Regarding the Election of Village Committees*** (effective March 1, 2002; adopted on January 20, 2002 by the 24th Session of the Standing Committee of the Seventh TAR People's Congress).

(a) These Measures have been formulated to implement the Law of the People's Republic of China on the Organization of Village Committees. The national law establishes village committees as the primary mass organization of self-government, the composition of village committees, terms of office of members, the election of members, the responsibilities of village committees and so forth.

(b) Villagers who are 18 years or over (other than those whose political rights have been forfeited) have the right to vote and to be elected, regardless of their ethnic status, ethnic group, sex, occupation, family background, religious beliefs, level of education, financial circumstances or period of residency.

(c) Candidates for election to the village committees must, among other things, protect the leadership of the Chinese Communist Party, warmly love the socialist Motherland, safeguard the unity of the Motherland and unity of peoples and oppose splittism.

(d) In areas where there are many ethnic groups, members of the village committees should include a small number of minorities.

C. **Qinghai Province.**

1. *Decision of the Standing Committee of the People's Congress of Qinghai Province on the Numbers of Representatives to the People's Congress of Xining Municipality and of Each Autonomous Prefecture* (adopted on January 26, 1996 by the 22nd Session of the Standing Committee of the Eighth Qinghai Provincial People's Congress).

The Decision sets the number of representatives on the people's congresses of Xining Municipality and the various autonomous prefectures in Qinghai Province.

D. Yunnan Province.

1. ***Decision of the Standing Committee of the Yunnan Provincial People's Congress on the Number of Members of the Standing Committees of the People's Congresses of Certain Cities, Prefectures and 128 Counties*** (adopted on September 27, 2002 by the 30th Session of the Standing Committee of the Ninth Yunnan Provincial People's Congress).

The Decision sets the number of members of the standing committees of the people's congresses of certain cities, prefectures and 128 counties.

2. ***Decision of the Standing Committee of the Yunnan Provincial People's Congress on the Allocation of the Number of Representatives to, and the Election for, the 10th Yunnan Provincial People's Congress*** (adopted on July 25, 2002 by the 29th Session of the Standing Committee of the Ninth Yunnan Provincial People's Congress).

(a) The number of representatives to the 10th Yunnan Provincial People's Congress is 638. Where the population is sparse in the Nujiang Lisu Autonomous Prefecture and the Diqing Tibetan Autonomous Region, each such area shall have at least 10 representatives.

(b) Minority representatives shall account for approximately 40% of the total representatives. Ethnic groups with a rather small population shall have at least one representative.

3. ***Proposal of the Standing Committee of the Yunnan Provincial People's Congress on the Allocation of Minority Representatives to the 10th Yunnan Provincial People's Congress*** (adopted on July 25, 2002 by the 29th Session of the Standing Committee of the Ninth Yunnan Provincial People's Congress).

(a) In accordance with the provision that "of the representatives of the Provincial People's Congress, the number of minority representatives shall constitute approximately 40% of the total number of representatives of the Provincial People's Congress," Yunnan Province has 25 minorities, and there shall be approximately 255 representatives.

(b) The number of the population that each minority representative represents shall be appropriately lower than the average number of the population that each representative represents. The 10 minorities that have a population of less than 34,000 shall each be allocated one representative so as to guarantee that each minority in the province has at least one representative on the Provincial People's Congress.

(c) A total of 235 representatives will be minority representatives, of which 4 will be allocated to the Tibetan minority.